

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12278 OF 2025

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AYUB
PATHAN

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Sachin S Mundada

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Pratik Irpatgire, for the Petitioner.

Ms. Savina R. Crasto, for State – Respondent Nos.1, 2,
5 & 6.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 26, 2025

P.C.:

1. The petitioner has brought in question the order attaching his immovable property under sub rule (10) of Rule 107 of the Maharashtra Co operative Societies Rules, 1961. He states that the certificate under Section 101 of the Maharashtra Co operative Societies Act, 1960 could not have been issued at all since, by that time, the concerned bank had already been converted into a Multi State Co operative Society. He points out that on such conversion, Section 22 of the Multi State Co operative Societies Act, 2002 brings the registration under the State Act to an end. He submits that once the registration under the State Act comes to an end, the authorities under the State Act lose jurisdiction to act upon or issue any certificate under Section 101. This submission raises a question that strikes at the root of the jurisdiction of the authority issuing the certificate. It requires a proper examination of the

dates, the statutory scheme and the effect of Section 22 of the 2002 Act.

2. He further places reliance on Section 156(2) of the MCS Act and submits that execution of a certificate under Section 101 is a proceeding for execution of a decree. According to him, Article 136 of the Limitation Act, 1963 applies. That Article prescribes a period of twelve years for execution. He contends that the present execution exceeds that period. If the limitation period has expired, the authority cannot enforce the certificate. The question is a mixed question of law and fact. It will require a close look at the date of issuance of the certificate, the date of commencement of execution and the legal character of a Section 101 certificate.

3. The petitioner has an alternative statutory remedy. In such matters, the revisional forum is expected to examine the entire record. The Revisional Authority shall consider both submissions. It shall decide the issue of jurisdiction arising from the conversion into a Multi State Co operative Society. It shall also decide the issue of limitation under Article 136. It shall follow due process. It shall grant hearing to both sides. It shall then record its clear findings on each issue.

4. The petition stands disposed of in these terms.

5. There shall be no order as to costs.

6. All pending interlocutory applications, if any, stand disposed of.

(AMIT BORKAR, J.)